G. R. S. 58]

Previous references.

L.R. 3 of 73
" 28 of 86

1891-92

~~PF~~
(L.R.)

File No. 72

Serial Nos. 1–9

Later references.

L R. 313 of 00

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1–9.

~~Part~~ B for May 94

SUBJECT.

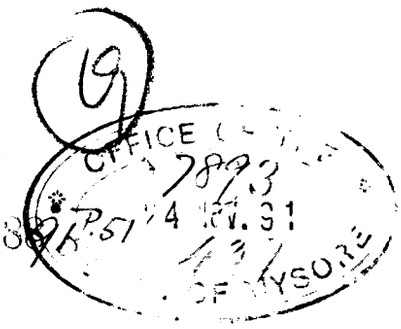
Re arrears of Chauthayi amount in the Chikmaranhalli village. Bangalore Tq.

Indexed

W D 1351—GPB—20,000—13-12-15

R. 60 L R.

(General Serial No. 31.)



From The Deputy Commissioner Bangalore District

To The Chief Secretary to the Dewan of Mysore.

Dated 21st November 1891

Despatched

Received

Enclosures No. 1 & 2 Papers.

General No.

D No. 659.

In the Chief Secretary's. 2397 and 54 dated 11th/40 /88 and 29th June /91 respectively.

Has the honor to forward herewith for sanction, a Refund Bill No 151 for Rs 829-8-, being the amount of Chowthay to be paid to Jamanna Kodigidar of Chikmarnhalli Taluk, Bangalore Taluk, for reasons therein stated.

Accounts Dept 25/11/91

Read 25/11/91

Draft Order A.B. 11/12/91

B2 24-11-91

2. Vernacular papers are also submitted for reference and obliging return.

× Bangalore Amildar's Urzee No. 623 with enclosures.

p. Deputy Commissioner

Wms

2130 R
10-12-91

No 9852-3 / 12 Dec 1891
276. / 16

GHWP

Read:—

Docket No 659 dated 21st November 1891, from the Deputy Commissioner of the Bangalore District, Submitting for Sanction a Refund Bill, in favor of Jamannah, Kodigidar of Chikmarnahalli Taluk, Bangalore Taluk, for Rupees 829-8-0 being the Chowthayee amount withheld from the year 1883/84 at Rs 103-11-0 a year, for his failing to repair the tank, and stating that ~~on appeal, it was ordered~~ having in the Government Proc. No 2397/40 dated 11th June 1888 ~~to~~ allowed the Chowthayee amount to Jamannah in the event of his repairing the tank or furnishing Security to do the same, and the Kodigidar having now furnished Security, the said

Said amount - viz Rs 829-8-0 is to be refunded to him as per Chief Secy's Memo No 54 dated 29th June 1891.

(General Serial No. 30.)

From

1891.

(4)

To

The Deputy Commr. Bangalore Dist

Dated " Comptroller

Despatched 12-12-91

Received

Enclosures No.

General No. 9852-3

No. 276

Order thereon 9852-3 / 276

The refund bill for Rs 829-8-0 referred to in the above, is sanctioned and forwarded to the Comptroller for audit.

2. It is noted that the Dy Commissioner has taken adequate security for restoring the lands within a fixed time.

Under Secy 21/12/91

D. D.

A.C.

Sanctioning a refund Bill for 829-8-0 being the Chowthayee amount payable to the Hodigeydar of Cheikinarayanahally Taluk, Bangalore Taluk.

Explained

To The Dy Commr. Bangalore District returning the revenue papers.

The Comptroller with the bill

17-5-92

(2)

Govt in their order dated 11th Oct 1888 No 2397 directed that
Security should be taken from petitioner 40 for the due
performance of his duty to keep the bank in repair
It does not The Dy Comr in his docket dated 21st November
1891 No 659 submitting a Bill for the Khodiji
Chauthji ordered to be refunded by Govt to petitioner
reported that the security above referred to had

been furnished by petitioner. Under these
circ. It does not appear that petitioner was
called upon to effect any repairs pointed
out to him and the action of the Dy Comr
withholding the estimated cost of repair
& arranging for its execution by the Dept
without giving an opportunity to petitioner
to execute the repairs himself appears
to be unreasonable & opposed to the
spirit of the orders of Govt above quoted
The 500 Rs withheld will be paid to petitioner
& who should be ordered to execute
any repairs the Dy Comr deems necessary within a fixed time. As regards
the reduction of 168 Rs 10 as 5 ps the Dept Comr
is requested to furnish a report detailed
under which the above charge was
incurred by Govt & why the Khodiji dam
should pay it, whether this Khodiji dam
was brought under the operation of the
rules of 20th Dec 1876 regarding the
superintendence & Khodiji drains &
& other information which
Govt needs for a decision

8/6/92

(General Serial No. 30.)

1892.

From The Chief Secretary to the Dewan of Mysore

To The Deputy Commr. Bangalore Dist.

Dated

Despatched 24 June/92

Received

Enclosures No. one

General No. M.No 94 K

Petition No 331 dated 15th May 1892, from Jamanmale, Kodagi dan of Chikkamanahalli, residing in Ramaveersettiy pett, Bangalore, praying that he may be permitted to execute repairs to the Kodagi Tank in Chikkamanahalli, Yesavanthapura Hobli, &c —

No 94
" dated 24/6/92

Mysore Dewan's Office
Petition Department

(2)

Official Memorandum

The accompanying Petition No 531 dated 15th May 92 from Jannamma, Kodagi dar of Chikkamannakalli, residing in Annaveerasetti Pette, Bangalore, ——

is forwarded with its one enclosure, to the Deputy Commr Bangalore Distt

2. Government, in their order dated 11th July 1888 No 2397/40 directed that security should be taken from petitioner for the due performance of his obligation to keep the tank in repair. The Deputy Commr in his docket dated 21st November 1891 No 659 submitting a Bill for the Kodagi Chauthyi ordered to be refunded by Government to petitioner reported that the security above referred to had been furnished by petitioner. It does not appear that petitioner was called upon to affect any repairs [illegible]

vided pointed out to him and the action of
the Deputy Commr. in withholding 500 Rs
the estimated cost of repairs and arranging
for its execution by the D P W without giving
an opportunity to petitioner to execute the
repairs himself, ~~appears to be unreasonable~~
as this opposed to the spirit of the orders of Govt
above quoted. The 500 Rs withheld will be
paid to petitioner who should be ordered to
execute any repairs the Deputy Commr
might consider necessary within a fixed
~~time~~. As regards the reduction of Rs 168-10-5
the Deputy Commr. is requested to furnish a
detailed report of the circumstances under
which the above charge was incurred by
Government and why the Kodagi das
should pay it, whether this Kodagi Inam
was brought under the operation of the rules
of 20th December 1876 regarding the enfranchise-
-ment of Kodagi Inams and such other
information as is necessary to elucidate the
~~information which will help to elucidate the~~
questions raised by the Petitioner
2 The petition should be returned

'By order'
Chief Secretary

Draft

(General Serial No. 32.)

1892.

No. 710

Name of Petitioner. Chamanna of Kodagidar of Chikkamaranahally tank

Village. Bangalore

Taluk.

District.

Date of Arzi. 13th September

Date of Receipt. 15th September.

Date of Disposal.

No. of Enclosures.

ABSTRACT.

On 16th August 1892, Petitioner presented, to this office, a petition praying that he may be ordered to repair his Kodagi tank, but he received no reply. His petition addressed to the Deputy Commissioner too was not replied. A sum of Rs 660 was deducted from the Chauthoyi amount due to him; and the work is now being carried out through the Public Works department. The Contractor, instead of digging the bed of the tank for earth to repair the bund, cuts the side of the bund itself, thus destroying

Mysore Govt. Central Press Bangalore—7-9-92,—1000.

the grass and making the
Nippe & other trees on the bund
liable to fall down when the
wind blows strongly.

Govt has made Petitioner
responsible for the up-keep of
the tank. The Dewan's Proceedings
No. 2397/40 of 11th July 1885 direct
the repairs of such tanks to
be carried out by the Kodagidars
and not by Govt.

Therefore Petitioner prays
that the Chief Engineer may
be directed to inspect the
work and that payment
may be withheld from the
Contractor till the work be
done satisfactorily.

S.V.

Pet
447

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. 710
dated 13th Sept. 1892 received at the
Dewan's Office from Jamanna, Kodag
dar of Chikkamaranahalli Taluq
Bangalore, praying that the Chief
Engr be requested to withhold payt
from the Contractor till he completes
the repairs to the Kodagi tank in a
satisfactory manner,
is forwarded ~~together with its~~
~~enclosures~~, to the Deputy Comr, Bangalore
Distt, for early attention with
reference to this office No 94
dt 24th June last.

By Order,

Draft.
17/10/92
Chief Secretary.

17/22 Octr 1892.

Encl issued
22/10/92

Vide No. 447 dy 17/10/92 to DC Bangalore

(General Serial No. 30.)

11715

1893-94

Pet 417

From The Dy Commissioner,
Bangalore District.

To The Chief Secretary
to the Dewan of Mysore

Dated 25th January 1894

Despatched 26

Received

Enclosures No. 14 in file.

General No.
D No. 861

His Official Memo No 94 dated 24th June 1892, forwarding for report a petition from Jamanna Kodagidaru of Chikkamarnahally Tank, Bangalore Taluk, regarding the cost of the restoration of his Tank.

In returning the enclosures of the above, has the honor to forward a memo furnishing the whole history of the case and to state

C.P. Branch
29-1-94

Submitted to the Chief Secretary with reference -
Para 24 of the Dy Com 2 office memo. furnishes the information called for in Ofc No 94 dy 24-6-92

Yr Vide the explanation in the Dy's memo. Govt may approve of the Dy's action in ordering the Tank to be repaired by the Mirasdar & the charges chargable to the Govt.

Sd/ Dy Secy Revenue Commr

Sd/ 16/May

yes - I agree - Petitioner may be informed that the Govt approve of the action of the Dy Comr. He has been very considerate to Petitioner.

16/5/94

that all things concerned,
the arrangement made
by M/s Madhava Rao
is the best that could
be made. The Kodigidar
evaded the responsibility
too long and could not
be relied on.

2. The entire record of
the case is, herein, enclosed
for reference and kind return.

M Ramanadha Rao
For Dy Commissioner

W.S.H

History of the Chickamanahalli Kodagi Tank in the Bangalore Taluk, with reference to the Chief Secretary's Official Memo No 74 of 24th June 1892.

On the application of one Ramaswamayya in the year Vikriti 1831, that he may be granted Chowthayee (¼ of the revenue) under Chikkmanahalli Tank, which was in utter disrepair, on condition of his restoring it, the Tongdar of Bangalore granted a sanad (vide copy forming enclosure to Amildar's Argee No 67 dated 8th April 1885) in the following terms "as the Amildar of Yelahanka reported that the tank had no stone work, the earthwork had entirely collapsed and was on a level with the ground and that if the Tank was restored at a large outlay, Government would also be benefited, you are hereby ordered to construct at your own cost earthwork, stone work, and sluice so that they might be stable, (durable). After the Tank work is completed you will be granted Kodagi lands for the 6 Kandis of Punaji (wet cultivation in dry lands) cultivation at the rates current in the Sayer, for the year Vikriti. And of the at present unoccupied lands, you will be granted ¼ of each of the 4 Kinds of lands brought under the Tank Atchk or dry lands, if you wish it, of the assessment

of wet lands not retained by you, the wet lands being reserved _____ by Government. Until the required lands are demarcated and made over to you, you will be granted 1/4 of the realizations under the tank.

2. Money payments on account of chowhagee were recognized vide Chief Commissioner's Proceedings Nos 4065/117 of 21-11-73 and 6324-Rev 91 of 2-11-75. (The latter order and a copy of the former are in the file).

3. The lands owned by the Kodagidar (which were then in the possession of a mortgagee) were attached in the year Chitrabhanu for non payment of Rs 73-5-- of Kandayam (vide Amildar's urgee No 56 of 12-4-83). Sale of the attached lands were sanctioned in the Dy Commissioner's Hukums Nos 66 of 24-4-83 and 259 of 9-6-83. After giving due notices to the Kodagidar, the mortgagee (vide Amildar's report No 620 of 16-10-83) and it was confirmed in order No 767 of 21-11-83.

4. i. In the meantime i e on 30-5-82, the Amildar reported that the tank had fallen into disrepair by the Kodagidar and mortgagee, each holding the other responsible for doing the annual repairs (vide urgee No 219 not forthcoming).

ii Order No 225 of 5-6-82 in the file was thereupon issued stating that under the circumstances and seeing that the other landholders under the tank would suffer, no chowthaji was to be granted and that the tank was presumed and the Executive Engineer

written to do the necessary repairs.

iii On a petition dated 9-6-82 to the Deputy Commissioner from the mortgagee that he was quite willing to do the necessary repairs if the Chowthayi was granted to him, as soon as the state of the tank, which was then full, would permit, the required particulars were called for from the Amildar (vide order No 271 of 12-6-82) and on the receipt of his reply (report No 379 of 19-6-82) stating that the facts represented in the petition were true, an agreement was ordered (vide No 315 of 27-6-82) to be taken, and the Chowthayi continued to be paid till further orders (vide No 397 of 24-11-84).

IV In memo No 853 of 22-12-83, the Amildar reported that the mortgagee had executed the necessary repairs to the tank, but that the repairs were unsound. The Amildar also reported that the lands held by the Kodagidar under the tank were sold for arrears of 1882-83 and that consequently he found it difficult to pay the Chowthayi as the practice was to deduct the Chowthayi amount from the Kandayam due by the Kodagidar and collect only the balance.

V An Arkum No 83 of 24-4-84 was issued with reference to the above, calling for a report as to on what data the Chowthayee was fixed &c. Some correspondence took place as to the advisability of asking Jannamma, the Kodagidar to bind himself

to do the necessary repairs in case he was given the chowthayi (vide hukum No 760 of 8-11-84).

VI The Amildar reported that asking the Kodagidar was out of the question as the mortgagees rights had been recognized by Government on various occasions (vide No 276 of 21-6-84) and sent copy of the original sannad granted to the Kodagidar (noticed in para 1 above) and stated that on the Kodagidar's applying in the year 1866 that in lieu of the chowthayi the lands under the tank may be granted on reduced assessment 9 Kandis and 3 (about 20 acres) Kolagas of land were granted for Rs 67-1-1. This arrangement continued till 1873-74.

VII Full assessment was imposed on the lands during the Survey Settlement in 1872-73 and no mention of chowthayi was made.

VIII Then as per Government Order No 6324 Rev 91 of 2-11-75 (See supra para 2) money payment was made (vide report No 67 of 8-4-85).

IX. The Amildar in hukum No 474 of 20-7-85 was ordered to get the mortgage deed executed by the Kodagidar and send it with a view to determine the proper claimant for the chowthayi.

X The document was submitted by the Amildar with report No 142 of 2-6-86 together with the statements of the mortgagees heirs

and the heirs of the person who was enjoying the Kodagi right vesting in the mortgagee.

5. Government was accordingly written to (vide D No 533 of 21-9-86) to pass orders with regard to the payment of the Kodagi amount under the circumstances noticed above (vide para 4 iv.)

6. In reply Govt order No 2397/40 of 11-7-88 directed the payment of the chowthagi due up to then to the Kodagidar Jamanna (as no competent Court had recognised the right of the mortgagee) on condition of Jamanna's at once doing all the necessary repairs or furnishing adequate security to do the repairs within a fixed time - as the sale referred to in the Deputy Commissioner's letter (See also para 4 iv) was of the occupancy rights of lands under the tank and had nothing to do with the Kodagi hock (right), i,e, the right to chowthagi as this right was conceded as consideration for the original repair of the tank and entailed upon the grantee the obligation to keep it in repair.

7. Copy of the above proceedings was sent to the Amildar and he was ordered to intimate the same to the Kodagidar (vide order No 461 of 7-8-88).

8. The Amildar with report No 533 received on 22-10-88 submitted the statement of Kodagidar Jamanna stating that he, Jamanna, could not afford to execute the repairs before Chowthagi was paid to him or produce any

security as required. The amildar also pointed out that prior to payment of the chowthayi the cost of repairs to the tank executed by the P.W.D about 2 or 3 years before, should be adjusted.

9. I The Executive Engineer was written to (vide No 1480 of 6-2-89 to report if the tank stood in need of any repairs and on his replying in the affirmative (vide letter No $\frac{4471}{1408}$ of 8-10-89). the Executive Engineer was requested (in No 1380 of 10-11-89) to prepare an estimate and send it to this office. This requisition was attended to by the Executive Engineer (vide docket No $\frac{32}{10}$ of 3-1-90).

II The Executive Engineer was again requested to report the amount of expenditure incurred 2 years back in repairing the tank (vide No 1783 of 31-1-90) and reply was received (vide docket No $\frac{642}{243}$ of 7-2-90 copy since got and put up as the original is not forthcoming) to the effect that Rs 168-10-5 was spent on the work.

10. The estimate received with the Executive Engineer's No $\frac{32}{10}$ quoted above was sent to the Amildar with order No 978 of 30-1-90 that the repairs may be got done by the Kadagidar.

11. In reply the Amildar submitted the Kadagidar's statement to the effect that he could get the repairs done only if they costed about Rs 50 or 60, that he could not afford to incur greater expenditure and

that as per endorsement No 500 dated 1-5-77 granted by the then Dy Commissioner Mr. Ricketts Government was bound and not the Kodagidar, to do the necessary repairs to the tank.

— The original endorsement was also sent by the Amildar (vide report No 859 of 21-2-90).

12. The Amildar was again ordered in No 1071 of 28-2-90 to report whether the Kodagidar was willing to abide by the conditions imposed in Government Proceedings No $\frac{2397}{40}$ of 11-7-84 (See Supra para 6) and pay the amount already spent on the repair of the tank.

13. The Kodagidar's statement to the effect that he was unable either to do the repairs or furnish security was sent with the Amildar's Argee No 921 of 19-3-90.

14. Jannamma was accordingly informed by endorsement that unless he executed the necessary repairs to the tank and maintained it in a state of thorough repair and paid the cost incurred by the P.W.D, he was not entitled to the payment of chowthayi and the Amildar was intimated of the same (vide order No 30 of 8-4-90).

15. With Argee No 735 of 4-12-90 the Amildar sent the statements of the Kodagidar and his security stating that within 6 months from the date of payment of the chowthayi till then due and that the amount spent by the P.W.D on the

tank may be deducted from the Chowthayi. The Amildar approved of the security as the person standing as security owned in Bangalore a house valued at 6 or 7 hundred rupees and had a good reputation.

16. In reply the Amildar was informed that as the Kodagidar did not produce adequate security till after 2 years from the date of Government Order Sanctioning payment of the Chowthayi and had also deposed before the Amildar that he could not produce any security, he was not to receive the Chowthayi until he had fulfilled the conditions mentioned in the endorsement granted to him (vide para 14 above).

17. The Kodagidar appealed to Government against this order and his petition was forwarded to this office with the Chief Secretary's Official Memo No 54 of 29-6-91 directing that the arrears of Chowthayi may be paid to him (the Kodagidar Jamamma) on his furnishing tangible security.

18. The Amildar was thereupon ordered to take sufficient security from Jamamma and submit a bill for payment to Jamamma (vide order No 319 of 10-7-91).

19. The refund bill &c was received from the Amildar (vide No 623 received on 16-9-91), submitted to the Chief Secretary for sanction with this office docket No 659 of 21-11-91 and received sanction for Rs 829-8-0 vide Government order No 9852-3 of 16-12-91.

276

20. With reference to the above, Interim No 1011 of 8-1-91 was issued to the Amildar stating that the Executive Engineer was asked to prepare the required estimate for the repair of the tank and on its receipt, if there should be any balance after meeting the cost, that the balance should be given to Jamanna.

21. Some correspondence took place between the Executive Engineer and this office ending in the Executive Engineer's pointing out that the estimates were already framed and sent to this office (vide Executive Engineer's docket No $\frac{398}{107}$ of 29-1-92.)

22. The cost of the estimate + the costs incurred sometime back viz Rs 593 + Rs 161-10-5 (168) or in all Rs 761-10-5 was placed at the Executive Engineer's disposal and that officer was asked to execute the necessary repairs (vide this office docket No 2225 of 18-3-92).

23. On 12-4-93 Jamanna petitioned to the Deputy Commissioner protesting against this arrangement and that he would do the repairs himself if the chowthayi was paid to him as he had given sufficient security. He also requested that half of the estimated cost may be advanced to him, the other half to be paid after he had finished the work in 1 or 2 months (vide No 113). He was replied (vide endorsement No 44) stating that the Amildar was already instructed to pay him the balance, if any, after meeting the cost of the estimates &c.

24. Subsequently Jamanna's appeal petition was received with the ——————— Chief Secretary's Official Memo No 94 of 24-6-92, wherein Government called for explanation as to (1) why arrangements were made for the execution of the work, costing about Rs 500 by the P. W. D and the sum withheld from the Kodagidar, (2) as to the circumstances under which an expenditure of Rs 168-10-5 was incurred by Government, and (3) whether this Inam was brought under the operation of the Kodagi Inam rules of the 20th December 1876.

With regard to point (1) it has to be stated that more than a year after the Government ordered the conditional payment of the chowthayi, the petitioner had deposed before the Amildar of Bangalore that he was unable to give any security and it was not possible till 2 years and 4 months after the date of this Government order, that Jamanna could give any security, 'tangible security' being what was needed (vide paras 11, 13, and 15 above). The Kodagidar seems to have always been unwilling to attend to and evading the proper upkeep of the tank (vide Amildar's report No 219 of 30-5-82).

As regards the 2nd point, the Kodagidar would not do the repairs needed to the tank in 1882 (vide para 4(i)) and the Executive Engineer was consequently asked to repair the tank at Government

† vide Govt Order No 2397 of 11-7-88 Offl 4° Memo No 54 of 29-6-91. and Govt Order No 9852-3 276 dated 16-12-91.

cost and Rs 168-10-5 was spent (vide paras 9 i and ii)

Point 3

The Kodagi Inam Rules of 20-12-76 do not apply to this case (vide para 8 of the rules promulgated in Proceedings No 9620 Rev 43 of 20-12-76) as the Kodagidar has a grant of land but is paid in money (See Supra paras 2 and 9(VI) to VIII).

The Superintendent of Inams was also written to, on 29-3-93 / 8-4 (vide letter No 2944) to intimate to this office the nature of the Inam Tenure. After several reminders, his reply (vide docket No 44 of 4-12-93) was received stating that as the ready Inam alluded to has not been brought on the Inam Register, the nature of the Tenure cannot be made known. The docket further runs thus 'It is presumed that the Inam in question is not borne out by any Jari or sthal Inamti accounts, and consequently it did not come within the scope of the Inam Settlement."

In Romanko

In by Commissioner
Bangalore District.

Bangalore
Dated 25th January 1894

Proceedings of the Government of His

Highness the Maharajah of Mysore

Read:-

Petition Regd No 531 dated 15th May 1892 from Jamanna Kodagidar of Chikkamaranahalli tank, Bangalore Taluk, praying that the sum of Rs 168-10-5 spent by the Public Works Department in 1885-86 towards the repair of his Kodagi Tank may not be deducted from the Chowthaji amount due to him by Government and that the repairs to the said tank need not be executed through the Public Works Department, but may be left to the Kodagidar.

(2) Correspondence ending with the Bangalore Deputy Commissioner's docket No 861 dated 25th January 1894 forwarding a memorandum explaining the history of the case in question from which it would appear that as the Kodagidar failed to furnish the necessary security for repairing the tank within a reasonable time as required by Government Proceedings No $\frac{2397}{40}$ dated 11th July 1888 wherein a conditional payment of the Chowthaji due to the Kodagidar was

ordered, the Deputy Commissioner had to order the repair of the tank by the Engineering Department at an estimated cost of Rs93, that the Kodagidar when called upon in 1882, having failed to repair the tank the same had to be repaired by Government at a cost of Rs 168-10-5, that the Kodagi Inam Rules of 20th December 1876 do not apply to this case as the Kodagidar has no grant of land, but is paid in money, and that therefore the Kodagidar can only be paid the Chowthaiji amount due to him since 1882 after deducting all costs incurred by the Public Works Department for the repair of the tank.

Order thereon

Dated Bangalore 16th/23 May 1894

No. 2005 Rf. 1894

Under the circumstances explained in the Deputy Commissioner's memorandum, Government approve of the Deputy Commissioner's action in directing the tank to be repaired by the Public Works Department

out of the Chowthayi payable to the petitioner.

(sd) T. Anandarow
Chief Secretary

~~Sl 9~~

To The Deputy Commissioner Bangalore
Orders returning the vernacular papers.

No $\frac{20055}{1895}$ dt $\frac{16-5-94}{23.}$

Sl 9 Copy forwarded to Jamannia (Kodia
sidars of Chikkamaranahalli Jank, Bangalo
Taluk) residing in Ranaveera patt, Bangalo
for information with reference to his
petitions dated 15th May and 13th September 1894.

By Order
Chief Secretary

for

dpd
Ebg

compd
MK.